

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

NORVELL WEBSTER CRUMP,

Plaintiff,

v.

CIVIL ACTION NO. 3:10-0788

SUSAN MORTON-SMITH,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court dismiss Plaintiff's Complaint (Doc. #3) with prejudice pursuant to the screening provisions of 28 U.S.C. § 1915, deny Plaintiff's application to proceed without prepayment of fees or costs (Doc. #2) pursuant to 28 U.S.C. § 1915(e)(2)(B), and deny Plaintiff's Motion to Transfer Jurisdiction (Doc. #6) and Motion to Withdraw Guilty Plea (Doc. #30). Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** Plaintiff's Complaint (Doc. #3) with prejudice pursuant to the screening provisions of 28 U.S.C. § 1915, **DENIES** Plaintiff's application to proceed without payment of fees or costs (Doc. #2) pursuant to 28 U.S.C. § 1915(e)(2)(B), and **DENIES** Plaintiff's

Motion to Transfer Jurisdiction (Doc. #6) and Motion to Withdraw Guilty Plea (Doc. #30), consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: November 15, 2010

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE